

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15182 of 2004

Between:

K.Sudarshanam, S/o Pakkerappa
Mettupalle Village, Peapully Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Kurnool.
- 2 The Joint Collector, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari calling for all the connected records including the impugned proceedings of the first respondent in Rc.No.781/2004 dated 26.7.2004 and quash the same as illegal, improper, unjust and further declare the action of the second respondent in not disposing of the appeal filed by the petitioner as arbitrary and illegal and pass.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner who is a fair price shop dealer filed this writ petition questioning the order of the first respondent dated 26-07-2004 whereunder the authorisation of the petitioner has been suspended pending enquiry into certain allegations.

Learned counsel for the petitioner contends that the allegations made in the impugned order dated 26.07.2004 are false and without any basis. He further contends that the order of suspension dated 26-07-2004 was passed by the first respondent-Revenue Divisional Officer, Kurnool, at the instance of the political rivals and it is not bona fide. It is to be noted that against the impugned order dated 26.07.2004, the petitioner has already availed the alternative remedy of appeal before the second respondent-Joint Collector, Kurnool. Since the statutory appeal is pending before the second respondent-Joint Collector, Kurnool, this writ petition cannot be maintained. It is open to the petitioner to urge all the grounds in the appeal pending before the second respondent-Joint Collector.

However, in view of the plea of the petitioner that the second respondent has not passed any orders even on his application for stay, I deem it appropriate to dispose of the Writ petition with a direction to the second respondent - Joint Collector, Kurnool to dispose of the application for stay filed by the petitioner in the Appeal against the order of suspension and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of one week from the date of

receipt of a copy this order.

Writ petition is accordingly disposed of. No order as to costs.

25-08-2004

Note: Issue C.C. in two days.

B/o

klp

To

1 The Revenue Divisional Officer, Kurnool.

2 The Joint Collector, Kurnool.

3 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT)

4 2CD copies